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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

'08 MJ 2267

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN CARLOS CHIMAL-MORAN,

Defendant.

MAGISTRATE CASE NO. _____

COMPLAINT FOR VIOLATION OF:

Title 18, U.S.C. § 2251(c) -
Sexual exploitation of a child

The undersigned Complainant, being duly sworn, states:

On or about and between June 1, 2008 and July 21, 2008, in the Southern District of California and elsewhere, the defendant, JUAN CARLOS CHIMAL-MORAN, did employ, use, persuade, induce, entice, and coerce any minor, to engage in, and had a minor assist any other person to engage in, any sexually explicit conduct outside of the United States, for the purpose of producing any visual depiction of such conduct, and did transport such visual depiction to the United States by any means, including by computer and mail, in violation of Title 18, United States Code, Section 2251(c)(1)(B).

And the complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Eugene A. Villanueva

Special Agent U.S. Immigration and Customs
Enforcement

Sworn to me and subscribed in my presence this 25th day of July, 2008.


Hon. Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

STATEMENT OF FACTS

I am a Special Agent with the U.S. Immigration and Customs Enforcement (ICE) having been so employed for approximately six years. I am currently assigned to the Cyber-crimes group within the ICE Office of Investigations, Cybercrimes division in San Diego, California. I have received training from the Federal Law Enforcement Training Center and other law enforcement agencies in the area of child pornography investigations and pedophile behavior. I have assisted, or been the affiant, in the service of over 40 search and arrest warrants. I received basic training from ICE regarding cyber-crime investigations. I am currently assigned to the Internet Crimes Against Children (ICAC) task force in San Diego, CA. This task force includes members of the San Diego Police Department, San Diego Sheriff's Department, U.S. Postal Inspection Service, Federal Bureau of Investigation, Naval Criminal Investigative Service, U.S. Attorney's Office and the San Diego District Attorney's Office.

On July 22, 2008, San Diego Police Department (SDPD) Detective Sergeant Natalie Stone provided the following information to me:

On July 17, 2008, at approximately 1130 hours, the manager at the Wal-Mart store located at 710 Dennerly Road, San Diego, CA called SDPD to report that someone dropped off a roll of undeveloped film in the after-hours drop box. The film was developed and discovered to contain approximately 34 photos of an Hispanic female minor, approximately 6 to 10 years old, engaged in a series of sexual poses and sex acts. SDPD Officers advised the manager to impound the photographs and contact them should anyone return to pick up the photographs.

On July 21, 2008, at approximately 2100 hours, SDPD received a call from the Wal-Mart stating that a Hispanic male returned to the store to retrieve the developed film. That person was later identified as JUAN CARLOS CHIMAL-MORAN. SDPD responded to the call by Wal-Mart management and CHIMAL was detained. CHIMAL granted written consent to SDPD officers to search his vehicle. Officers discovered a laptop computer in CHIMAL'S vehicle. CHIMAL was transported to SDPD Headquarters to meet with Child Abuse Detectives. The photographs were recovered from Wal-Mart and transported to SDPD Headquarters along with the laptop computer.

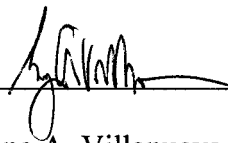
The photographs contained images of what appears to be a five-year-old female in sexually explicit poses and engaged in sex acts. Some of the images are described below:

- 1 • One image depicts a minor female, approximately 5-6 years old, with her legs spread and an
2 adult male hand with a silver colored metal watch on his wrist pulling her underwear to the
3 side exposing her genitalia.
- 4 • Two images appear to depict the same female minor described above with her legs spread
5 and an adult male hand is digitally penetrating her vagina.
- 6 • Another image depicts a minor Hispanic female, approximately 5-6 years old, with a light
7 colored shirt on and no bottom clothing. She is lying down with her legs spread and the
8 image focuses in on her exposed genitalia.
- 9 • One image depicts an exposed male penis with a child's hand touching the penis.

10 On July 21, 2008, at approximately 2300 hours, SDPD Detectives interviewed CHIMAL.
11 CHIMAL was advised of his Miranda rights, in the Spanish language. CHIMAL stated he
12 understood his rights, agreed to waive his rights and talk with the detectives. CHIMAL provided
13 the following statement:

14 CHIMAL stated that he lives in Tijuana, Mexico and was picking the photographs up for his
15 friend and next-door neighbor. He stated he brought the film to the United States to get developed
16 because it was less expensive. The girl in the photographs is his five-year-old daughter, and the
17 pictures were taken inside of his home in Tijuana. CHIMAL then confirmed that he was the person
18 in the pictures sexually molesting his daughter and that the image with a small hand holding a penis
19 was his penis. His wife, the mother of his daughter, was unaware of the molestation or the
20 photographs. CHIMAL stated that the pictures that he took were for personal use and that they
21 were taken approximately four weeks ago.

22 SDPD also noticed that the watch CHIMAL was wearing at the time of the interview was the
23 same watch depicted in some of the photographs.

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25 Eugene A. Villanueva
26 Special Agent, U.S. Immigration and Customs
27 Enforcement
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